

233.

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRR-540-2012

Date of decision:27.11.2018.

RAM MEHAR AND ORS

... Petitioners

versus

STATE OF HARYANA

.... Respondent

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA

Present: Mr. Ajit Sihag, Advocate,
for the petitioners.

Mr. Anmol Malik, AAG, Haryana.

HARI PAL VERMA, J.(Oral)

The petitioners-accused have preferred the present revision petition against the judgment dated 16.02.2012 passed by learned Additional Sessions Judge, Hisar, whereby their appeal against the judgment of conviction dated 12.09.2009 and order of sentence dated 15.09.2009 passed by learned Judicial Magistrate Ist Class, Hisar, was dismissed.

Briefly stated, an FIR No.199 dated 07.09.2003 was registered under Sections 323/325/34 IPC at Police Station Barwala, District Hisar, at the instance of Maya Devi (complainant). As per the FIR, the complainant, who is an agriculturist and was married at Village Kot Kalan, had gone to her parental house in Village Khedar. On 09.08.2003, when she was cutting the jawar crop from the fields, then her brother Ram Mehar (petitioner No.1 herein) came there and asked her why she is cutting the crop of jawar. However, when the complainant stated that this field fell to her share as the same belongs to her father, petitioner No.1 again stopped her and thereafter,

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attacked on her wrist with a sickle and gave a second blow on her mouth

with the handle of sickle, due to which, her tooth fell down. In the meantime, Kamla Devi (petitioner No.4), who is the wife of petitioner No.1, their sons Joginder and Leela also came at the spot and they also started giving beating to the complainant. Mahinder and Hanuman, brother-in-laws of petitioner No.1-Ram Mehar, who were working in the adjoining fields, also hurled abuses at the complainant and gave beatings. When the complainant shouted, then her sister Rajbala and other neighbours came there and rescued the complainant from the accused.

After completion of investigation, Challan was presented in the Court. Copy of challan was supplied to the accused free of costs as envisaged under Section 207 Cr.PC. Thereafter, the accused were charge-sheeted by the trial Court for the commission of offence under Sections 323/325/34 IPC to which they did not plead guilty and claimed trial.

After recording the evidence and hearing the parties, the trial Court vide its judgment dated 12.09.2009 held the petitioners-accused guilty for offences under Sections 323/325/34 of IPC and vide separate order dated 15.09.2009, sentenced them to under rigorous imprisonment for six months and fine of Rs.250/- each under Section 323 IPC and in default of payment of fine, to further undergo simple imprisonment for one month. They were also sentenced to undergo rigorous imprisonment for one year and fine of Rs.750/- under Section 325 IPC and in default of payment of fine, to further undergo simple imprisonment for three months. Both the sentences were ordered to run concurrently.

Feeling aggrieved, the petitioners preferred an appeal against the judgment of conviction and order of sentence before the Court of

learned Additional Sessions Judge, Hisar.

It is in the aforesaid circumstances, the petitioners have filed the present revision petition challenging the verdicts of both the Courts below.

During the course of hearings, this Court vide order dated 20.12.2016 while considering it a family dispute, has opined that the petitioners-accused ought to have pay compensation of Rs.15,000/- to the complainant-Maya Devi (PW1) as she had lost her tooth in the incident of assault, which is a serious injury. Thereafter, in order to explore the possibility of compromise between the parties, vide order dated 18.09.2018, the matter was referred to the Mediation and Conciliation Centre of this Court and the parties were directed to appear there on 08.10.2018.

Pursuant thereto, the parties have resolved their dispute and a compromise has been effected between the parties on 08.10.2018.

Learned counsel for the petitioners states that in view of the settlement arrived at between the parties before the Mediation and Conciliation Centre of this Court, the sentence awarded to the petitioners may be reduced to the period already undergone by them. He has contended that the petitioners are poor persons and are not previous convicts. There is no other case pending against them. They are suffering the agony of criminal proceedings since 07.09.2003 i.e. the date when the FIR in question was registered against them.

On the other hand, learned State counsel has argued that the petitioners do not deserve any interference in the present petition at the reversing stage.

I have heard learned counsel for the parties.

On perusal of the judgments of both the Courts below, this

Court is of the considered view that the trial Court has rightly appreciated the evidence on record while holding the petitioners guilty for commission of offence under Sections 323/325/34 of IPC. The appellate Court has also rightly dismissed their appeal. There is no illegality or perversity in the findings given by both the Courts below which may warrant interference of this Court by invoking revisional jurisdiction. Even otherwise, learned counsel for the petitioners has not assailed the judgments of conviction and has, rather, restricted his arguments qua the quantum of sentence only. The conviction of the petitioners is, therefore, affirmed.

The dispute is between close family members. Therefore, considering the fact that the matter has been amicably settled and taking into account the protracted trial, antecedents of the petitioners, coupled with the fact that as against the awarded sentence of 1 year, they have already suffered incarceration for a period of more than 2 months including remission, this Court feels that ends of justice would be met if the sentence awarded to the petitioners is reduced to the period already undergone by them.

Ordered accordingly.

With the aforesaid modification in the order of sentence, present revision petition stands dismissed.

(HARI PAL VERMA)
JUDGE

27.11.2018
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Whether speaking/reasoned?	Yes/No
Whether reportable?	Yes/No